

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

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U.S. DISTRICT COURT
DISTRICT OF MASS.

KENNETH PORTER,

Plaintiff,

v.

TERC,

Defendant.

CIVIL ACTION

NO. 1:04-cv-12008-PBS

JOINT STATEMENT PURSUANT TO FED. R. CIV. P. 16

Plaintiff and Defendant, by their respective attorneys, hereby submit this joint statement pursuant to Fed. R. Civ. P. 16.

A. Discovery Plan

1. The parties anticipate that they will have no difficulty complying with the discovery limits set forth in Fed. R. Civ. P. 26(b).

2. The parties do not believe that phased discovery is necessary or desirable.

3. The parties propose a discovery deadline of August 1, 2005.

4. The parties propose that expert witnesses reports will be exchanged on May 2, 2005, and rebuttal reports will be exchanged on June 2, 2005.

B. Schedule for Filing of Motions. The parties do not foresee the need for motion practice other than motions to compel discovery and motions for summary judgment. The parties propose a deadline of September 16, 2005, for the filing of dispositive motions.

C. Certifications. The parties' certifications concerning litigation budgets and alternative dispute resolution will be filed at the scheduling conference.

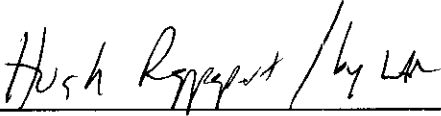
D. Magistrate Judge. Neither party is willing to consent to trial before a magistrate judge.

KENNETH PORTER

TERC

By his attorneys,

By its attorneys,



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I hereby certify that a copy of the above document
was served on counsel of record for all parties
by hand/~~mail~~ on January 10, 2005

